

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ROGER PIPKINS,

Plaintiff,

v.

Civ. No. 05-1200 WPL/RLP

TA OPERATING CORPORATION and  
TRAVELCENTERS OF AMERICA, INC.,  
jointly d/b/a TA TRAVELCENTERS OF  
AMERICA,

Defendants.

MEMORANDUM ORDER AND OPINION

THIS MATTER comes before the Court on Plaintiff's Motion to Compel Accident Report. In his January 18, 2006 Request for Production of Documents, Plaintiff asked for all investigative reports of the accident at issue in this case. Defendants objected that the report was attorney work product. Defendants failed to provide a privilege log. See, e.g., *McCoo v. Denny's, Inc.*, 192 F.R.D. 675, 690-91 (D. Kan. 2000). Plaintiff failed to file a Motion to Compel within 20 days as required by DNM-LR Civ. 26.6.

On March 3, 2006 Plaintiff deposed Gilbert Romero, the author of the report at issue. He was questioned about the report but the questions were objected to. Two months later, on May 2, 2006, Plaintiff asked Defendants to reconsider their position on the alleged immunity of the report. Defendants declined to do so.

Three months later -- and six months after service of the objection -- Plaintiff seeks an order compelling discovery of this report. Plaintiff has failed to show any cause, much less good cause, why he did not proceed immediately upon receiving Defendants'

incomplete objection to the discovery request. Plaintiff's Motion is untimely. See *generally*, 8A C. A. Wright, A. Miller, & R. Marcus, Federal Practice & Procedure § 2285 (2006 Supp.). Plaintiff's request for costs for the continuation of Gilbert Romero's deposition is denied. Discovery ended on July 31, 2006.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel Accident Report [Doc. 50] is denied.



Richard L. Puglisi  
United States Magistrate Judge